

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Barassi (3,656,533) as applied to claim 1, and further in view of Okamoto (5,779,828).

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Barassi (3,656,533) as applied to claim 1, and further in view of Imamura (3,913,652).

Analysis

Claim 1 is the only claim in independent form; therefore, the following discussion is initially directed to this independent claim.

Claim 1 recites, *inter alia*, a pneumatic radial tire having three rubberized cord layers each containing steel cords therein.

Regarding Barassi, Applicants respectfully disagree with the Examiner's characterization of this reference. Specifically, in the paragraph bridging pages 4 and 5 of the final Office Action, the Examiner indicates that Barassi teaches a belt structure "comprised of three rubberized cord layers each containing steel cords." However, Fig. 2 of Barassi shows two layers 4 and 5 having textile cords, and a layer 6 having metal cords. Fig. 2 also shows an outer layer 7 with metal cords. Thus, there are four (4) layers in total, and only layers 6 and 7 have metal cords. By way of contrast, claim 1 recites, *inter alia*, "...three rubberized cord layers each containing steel cords therein...". Barassi is clearly deficient in this regard.

Still further, Applicants note that the layers 7, 5 and 6 of Barassi correspond, respectively, to the outermost cord layer, middle cord layer and innermost cord layer according

to the present invention¹. Barassi clearly refers to “textile cords of the strips 4 and 5” (see column 2, line 49). Also, while column 2, line 40 of Barassi reads “two layers 4 and 6 of textile...”, the reference numeral “6” for the textile cord strip is a typographical error that should be corrected to be “5”. Layers 4 and 5 are textile cord layers, and layers 6 and 7 are steel cord layers, and thus, this reference does not disclose three layers each containing steel cords therein.

Claim 1 also recites the positioning of the circumferential grooves relative to the outermost cord layer (see claim 1, last three lines). Applicants maintain that Barassi by itself is insufficient to teach or suggest the claimed relationship between the circumferential grooves and the outermost cord layer.

Moreover, there is no teaching or suggestion at all regarding the relationship between the width of the outermost cord layer and the circumferential groove in the tread. Although Barassi refers to formation of blocks or the like in the tread, such reference is entirely irrelevant.

The present invention relates to a pneumatic radial tire having a three-layered belt structure for the purpose of weight saving, and aiming at improvement of the cut resistance of the outermost cord layer. Barassi fails to teach or suggest the three-layered belt structure and the circumferential grooves as specifically recited in claim 1. As such, the present invention should be patentable over Barassi, either alone or in combination of the secondary references.

In view of the foregoing, claim 1 is patentable.

¹ Note that this is the only possible combination, in view of the requirement for a crossed arrangement of the innermost and middle cord layers as recited in claim 1.

Request for Reconsideration under 37 C.F.R. § 1.116
U.S. Appln. No. 09/398,006

The remaining rejections are directed to the dependent claims. These claims are patentable for at least the same reasons as claim 1, by virtue of their dependency therefrom.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ellen R. Smith
Registration No. 43,042

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: November 14, 2002

Attorney Docket No.: Q55806